

Enforcement Confidential Memo
E.Z. Chemicals, Inc.
Philadelphia, Pennsylvania

Background:

On April 4, 1989, EPA Region III's Removal Response Section was notified by the Philadelphia Fire Marshal's Office of a potential threat to public health and the environment from the E.Z. Chemicals facility located at 48-60 Laurel Street, Philadelphia, Pennsylvania. The E.Z. facility was an operating chemical storage facility. Chemical blending and repackaging also took place at the facility.

On April 5, 1989, EPA's On-Scene Coordinator (OSC) carried out an onsite inspection with the Philadelphia Fire Department of the E. Z. facility and found deplorable environmental conditions at the site. Onsite, the OSC found approximately 20,000 drums, at least half of which most likely contained hazardous substances. The OSC identified cyanide waste, oxidizers, solvents, and corrosive compounds. E.Z. did not maintain good housekeeping or storage practices as witnessed by the many incompatible substances stored next to each other, or on top of each other. Also identified onsite were 34 storage tanks. The Owner/Operator of E.Z. told EPA that eight (8) of the storage tanks were empty and that the remaining 26 tanks contained either solvents, corrosive liquids, or plasticizers. The site also contained a laboratory containing hazardous substances.

On April 6, 1989, representatives from EPA's CERCLA Removal Enforcement Section (CRES) met with the OSC and representatives from the Philadelphia Police and Fire Departments to develop a site removal strategy. The Philadelphia Fire Department had declared the E.Z. facility to be a fire and explosion threat on April 5, 1989. EPA concurred with this determination. The Philadelphia Department of Licensing and Inspection (L&I) served the E.Z. facility owner with a Cease, Desist and Evacuate Order on April 5, 1989. During the April 6, 1989, meeting it was decided that EPA would immediately conduct an emergency response action at the E.Z. Site to abate the fire and explosion threat. CRES would conduct a responsible party search in an attempt to identify economically viable responsible parties technically capable of performing the necessary removal activities at the site.

Potentially Responsible Party (PRP) Search Status:

On April 6, 1989, EPA's Senior Assistant Regional Counsel contacted the attorney representing the facility owner/operator to ascertain whether the facility owner/operator possessed the financial resources necessary to abate the fire and explosion threat at the site. According to the E.Z. attorney, the owner/operator, Mr. Zackrocki, did not possess the financial

resources required to abate the threats at the site. Extensive interviews and file searches conducted by CRES verified the fact that Mr. Zackrocki was not an economically viable responsible party. As a result, an extensive PRP search was conducted by CRES.

CRES was successful in identifying companies and individuals who had been using E.Z. Chemicals as a storage facility for their commercial products. Because the majority of these companies and individuals stored commercial products at E.Z. Chemicals and did not dispose, treat or arrange for the treatment or disposal of these products at E.Z., these companies and individuals do not meet EPA's definition of a responsible party. However, CRES had 10 companies and individuals voluntarily sign an agreement whereby they voluntarily would remove their products from the site and take full responsibility for the transportation and final destination of the products. To date, over 1,635 product drums have been successfully removed from the site by the product owners at a potential saving to the fund of \$1,000,000. The OSC has removed, in addition to the product drums, 5,373 empty drums, 814 cubic yards of hazardous waste debris, 105 cubic yards of solid waste, 25,188 pounds of dry product; 102,133 gallons of liquid product, and 5,096 other empty containers.

The PRP search involved sending CERCLA Section 104(e) letters to 82 companies and individuals. Because the majority of companies contacted used E.Z. Chemicals as a storage facility only, these companies do not meet the EPA definition of a responsible party. EPA has further identified the former site owner of the property as a PRP.

EPA issued a CERCLA 106 unilateral order to the former site owner on January 12, 1990. This order required the former site owner to dispose of the approximately 10,000 bottles, vessels, and containers of laboratory chemicals which had been stored haphazardly at the site. The former site owner has not complied with the requirements of the Order. EPA will pursue enforcement of the Order, however, because the former site owner is unwilling to remove the laboratory chemicals from the site the burden for the removal of these laboratory chemicals has fallen to the OSC. No other viable PRPs have been identified by CRES after an extensive PRP search. A unilateral order was also issued to Mr. Zackrocki, the site owner, on January 12, 1990 requiring Mr. Zackrocki to allow the former site owner access to the site for purposes of removing the laboratory chemicals.

Recommendation:

Additional removal funds should be released to complete the abatement of the fire and explosion threat at E.Z. Chemicals. Due to the lack of a viable and willing PRPs to conduct the removal activities at the site it is necessary that EPA complete the removal project.

CRES may apply the stipulated penalty provision of the January 12, 1990 order against Mr. Goldfine for non-compliance with the Order. However, the fire and explosion threat which still exists at the site must be abated immediately. Shock sensitive materials still remain on-site. It is hereby recommended that the OSC be granted his request for additional funding in order to complete the removal project.

The current site owner and operator, Mr. Zackrocki, is ultimately responsible for the deplorable environmental condition of his facility. However, Mr. Zackrocki does not possess the economic nor technical means needed to complete the removal activities at E.Z. Chemicals.

Christopher P. Thomas
Enforcement and Title III Section
April 2, 1990